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Original
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6/29/07
Wayne D. Brazil
Clerk, U.S. District Court
Northern District of California
Oakland

Attorney for Plaintiffs

ADR

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA

THE FAMILY OF LELA KAYE HORNER:
Harold Horner, Connie Britt, Andy Horner,
Cheryl Horner,

No. C07-03441 WDB

**JOINT CASE MANAGEMENT
STATEMENT AND PROPOSED
ORDER**

Plaintiffs,

vs.

DATE: 1/7/08
TIME: 4:00 P.M.
DEPT: 4

Keystone America Inc., dba Jones and Lewis
Clear Lake Memorial Chapel, and DOES 1-100,

Defendants.

The parties to the above-entitled action jointly submit this Case Management Statement and Proposed Order and request the court to adopt it as its Case Management Order in this case.

DESCRIPTION OF THE CASE

1. The Complaint alleges a botched embalming and other failings in providing funerary services with severe effects on the family.

2. Plaintiff's counsel has already consulted expert opinion. Defense counsel is in process of doing the same. Counsel agree that the first issue in the case will depend on the opinions of the experts. If they differ substantially, liability will be fought. If they do not, then the main issue in the case will be extent of damages.

3. The parties do not anticipate any exotic or particularly contested legal issues at this time. There could be discovery issues, perhaps regarding similar events.

1 4. In general, counsel do not anticipate extraordinary litigation in this case.
2 Plaintiff's counsel has worked with Defendant's counsel's firm in the past, co-counseling with
3 Defendant's counsel's firm in representing a developer in a complex construction case and
4 opposing Defendant's counsel's firm in a personal injury case. Defense counsel has stated that
5 he regards this case in a very objective light to be conducted according to the evidence.

6 5. All parties have been served.

7 6. The parties reserve deciding on joining further parties until the deposition of the
8 Colorado mortician is taken.

9 7. Plaintiff consents to assignment of this case to a United States Magistrate Judge
10 for court or jury trial. Defendant reserves on this issue until receiving instructions from client.

11 ALTERNATIVE DISPUTE RESOLUTIONS

12 8. Counsel prefer to wait to decide on ADR Format depending on the results of the
13 expert consultation as discussed above. If the expert opinions are not at odds, then mediation
14 would be appropriate; if they are at odds, then the parties would have to consider another form of
15 ADR.

16 DISCLOSURES

17 10. The parties understand that the disclosure deadline has not yet occurred.
18 Nevertheless, Defendant has served initial disclosures and Plaintiffs anticipate doing so within
19 days.

20 DISCOVERY

21 11. The parties agree to the following discovery plan, subject to revision as discovery
22 unfolds:

23 a. Depositions of Defendant's employees involved in the embalming and
24 funerary services;

25 b. Depositions of Plaintiffs and other family members;

26 c. Deposition of the mortician in Colorado who tried to remedy the

1 embalming.

2 TRIAL SCHEDULE

3 12. The parties request a trial date in mid-September, 2008, or later.

4 13. The parties expect that the trial will last for approximately 10 court days, and
5 longer if it is a jury trial. Plaintiff has requested a jury trial; and Defendant will do so shortly.

6 DATED: January 3, 2008

DATED: January 3, 2008

7 LAW OFFICES OF BRUCE E. KRELL, INC. LEWIS, BRISBOIS, BISGAARD & SMITH, LLP

8
9
10 By /S/
11 Michael Cohen

By /S/
Howard Leigh Churchill

12 CASE MANAGEMENT ORDER

13 The Case Management Statement and Proposed Order is hereby adopted by the Court as
14 the Case Management Order for the case and the parties are ordered to comply with this Order.

15 In addition the Court orders:

16 a. Further Case Management Conference on _____, 2008.

17 b. At that time, the parties shall be referred to ADR.

18 c. Initial disclosures shall be completed by _____, 2008.

19 d. Supplemental disclosures shall be completed by _____, 2008.

20 e. The Court orders no limitations on disclosure or discovery at this time.

21 f. Disclosure of identity, background and opinions of experts shall be on or before
22 _____, 2008.

23 g. Any dispositive motions must be filed by _____, 2008.

24 h. Parties shall meet and confer regarding pretrial submissions by _____, 2008.

25 i. Any dispositive motions must be heard by _____, 2008.

26 j. Pretrial material must be submitted by _____, 2008.

1 k. Pretrial conference shall take place on _____, 2008, at __:_0_.M.

2 l. Trial shall start on _____, 2008, at __:_0_.M.

3 DATED: January 7, 2008

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6 _____
UNITED STATES DISTRICT JUDGE
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